

ESTTA Tracking number: **ESTTA276443**

Filing date: **04/06/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91188736
Party	Plaintiff Anastasia Beverly Hills, Inc.
Correspondence Address	John M. May Anastasia Beverly Hills, Inc. 438 North Bedford Drive Beverly Hills, CA 90210 UNITED STATES John@May.us, dchavez@dchavezlaw.com
Submission	Opposition/Response to Motion
Filer's Name	John M May
Filer's e-mail	Law@May.us,dchavez@dchavezlaw.com,raluca@anastasia.net
Signature	/jmm/
Date	04/06/2009
Attachments	Response20090406.pdf ( 4 pages )(70787 bytes ) ExhibitA20090406.pdf ( 3 pages )(58188 bytes ) JMMdecExhibits1-7.pdf ( 35 pages )(2662381 bytes ) eMailService.pdf ( 1 page )(28398 bytes )

This is in response to the Motions /Amended Motions filed by Applicant on 16 and 18 March 2009.

As a preliminary matter it is noted that 24 January 2009 is a Saturday, so the actual deadline for filing the Notice of Opposition together with the required Fee and Proof of Service was Monday 26 January 2009.

As evidenced by the attached Declaration of Attorney John M May (Exhibit A) and the attached screenshot (Exhibit A-1), the Notice of Opposition with an included Proof of Service was filed electronically through ESTTA at approximately 7:20 pm PST on 24 January 2009. As further evidenced by said Declaration and the attached screenshot and receipt (Exhibits A-2 & A-3), a copy of said Notice was served by Certified First Class Mail on Applicant's attorney of record that same day at approximately 8:11 pm PST.

The Board's attention is directed to the fact that although there is a three hour time difference between California and Virginia, from both the perspective of the signer of said Proof of Service in California and from the perspective of the USPTO in Virginia, both the filing of the Notice with required fee and Proof of Service, and the actual service of said Notice by Certified First Class Mail, were made on the same day on the date and in the manner set forth in that Proof of Service, namely by First Class Mail on 24 January 2009, two days prior to the expiration of the extended period for Opposers (and those in privity with them) to oppose registration of Applicant's published mark.

Accordingly, it is Opposers' position that the present Opposition was timely filed in full compliance with the relevant statute and rules, and that therefore Applicant's Motion should be dismissed with prejudice.

Moreover, even if at the instant of filing the Notice of Opposition was somehow incomplete or defective, any such defect or insufficiency had been cured later that same day and well within the applicable period for perfecting that filing, so there is no basis in law or equity for dismissing this Opposition. In particular, as of midnight 24 January

2009, the Proof of Service accurately stated the date and manner of service and any attempt to correct to the statement of record would have been superfluous.

§ 2.101(a) and (b) read in pertinent part as follows:

(a) An opposition proceeding is commenced by filing in the Office a timely notice of opposition with the required fee. The notice must include **proof of service on the applicant, or its attorney** or domestic representative of record, at the correspondence address of record in the Office, **as detailed in §§ 2.101(b) and 2.119.**

(b) Any person who believes that he, she or it would be damaged by the registration of a mark on the Principal Register may file an opposition addressed to the Trademark Trial and Appeal Board and must serve a copy of the opposition, including any exhibits, **on the attorney of record for the applicant** or, if there is no attorney, on the applicant or on the applicant's domestic representative, if one has been appointed, **at the correspondence address of record** in the Office. The Opposer must **include with the opposition proof of service pursuant to § 2.119** at the correspondence address of record in the Office.

§ 2.119 reads in pertinent part as follows:

(a) Every paper filed in the United States Patent and Trademark Office in inter partes cases, including notices of appeal, **must be served** upon the other parties. Proof of such service must be made **before the paper will be considered by the Office.** A **statement signed by the attorney** or other authorized representative, **attached to or appearing on the original paper when filed**, clearly stating the **date** and **manner** in which service was made **will be accepted as prima facie proof of service.**

Opposers submit that their 24 January 2009 filing was in full compliance with the applicable statutes and rules.

Applicant's Motion reads the amended rules as requiring that the service copy be actually deposited with the US Postal Service before any Notice of Opposition can be properly filed. But such a narrow reading defeats the very purpose of the change in procedure, namely to make the initiation of a Board proceeding more efficient, as set forth in the promulgation of the Final Rule in Federal Register / Vol. 72, No. 147 / Wednesday, August 1, 2007 at page 42242 [emphasis added]:

Under the amended trademark rules, the initiation of a Board proceeding will be more **efficient**, because a plaintiff will serve copies directly on defendants.

Under the amended trademark rules, an Opposer or petitioner will file its complaint with the Board and is required to **concurrently** serve a copy of its complaint (notice of opposition or petition for cancellation), including any exhibits, on the owner of record, or when applicable the attorney or domestic representative designated in the defending application or registration, or in assignment records regarding the application or registration.

and at page 42247

2.101(d)(4) is amended to add proof of service on applicant or its attorney or domestic representative of record in the USPTO, at the correspondence address of record in the USPTO, to the requirements for receiving a filing **date** for the notice of opposition;

THERE IS NO MENTION IN EITHER THE RULES OR THE COMMENTARY OF A TIME OF DAY, ONLY A DATE.

Applicant cites the Board's February 2008 precedential opinion in Springfield, Inc. v XD (available online as ttavvue-91180596-OPP-7.pdf ) in which there was no actual service on applicant **prior to the expiration of the applicable opposition period**, and in dicta (footnote 3) warned "the Board will not institute an opposition or cancellation where there is no proof of service, even though there may have been actual service".

However, Applicant ignores the TTAB's recent (10 February 2009) precedential decision in *The Equine Touch Foundation, Inc. v. Equinology, Inc.* (available online as [ttabvue-92050044-CAN-11.pdf](#)), in which the Springfield decision appears to have been limited (in footnote 6) to its facts:

The time for filing a notice of opposition is statutory and cannot be waived by the Board; and the filing date for a notice of opposition is dependent on, among other things, forwarding of a service copy and inclusion of proof of service when the opposition is filed. Thus, **if Opposer's service of a notice of opposition, or its submission of proof of service, occurs after the close of the opposition period, including any granted extensions**, the filing date would fall outside the opposition period and the Board would refuse the opposition as untimely.

In *Equine Touch*, the Interlocutory Attorney considered the deficient filing cured as of the date the erroneous service date in the originally filed proof of service was corrected, and rather than dismiss the case as a nullity, merely corrected its filing date to reflect the actual date that all filing requirements had been completed.

The Board's holistic methodology announced in *Equine Touch* supports a similar result in the present case. Since the Proof of Service as filed correctly reflected as of midnight 24 January 2009 both the date the Proof of Service was actually signed and the date and manner the Service was actually made, any subsequent amendment to the originally filed Proof of Service would be superfluous and all the requirements for instituting an Opposition (including both actual Service and filing of a Proof of Service) had been completed on 24 January 2009 (the ESTTA calculated filing date). Since 24 January 2009 is within the extended Opposition period, no dismissal is warranted.

According, D's Motion to Dismiss should be DENIED.

/JMM/ John M May  
Attorney for Opposers

## DECLARATION OF JOHN M MAY

I, JOHN M MAY, do declare that I have personal knowledge of all statements made herein; that all statements made herein are true, and that if called to do so, I would competently testify as to the truth of these statements.

1. I am an active member of the California Bar and one of the attorneys representing the Opposers herein. I have personal knowledge of the following facts and would competently testify as to their truth if called upon to do so.
2. As evidenced by the attached screenshot (Exhibit A-1) of an electronic Receipt appearing on my computer screen, I personally filed the Notice of Opposition with an included Proof of Service electronically through ESTTA shortly prior to 7:20 pm PST on 24 January 2009, and I received an email receipt from ESTTA (Exhibit A-2) at approximately that same time.
3. As evidenced by the attached USPS receipt (Exhibit A-3), a Certified First Class label was purchased by me that same day at approximately 8:11 pm PST. from an APC machine in the lobby of Sierra Madre Post Office, for a 2oz envelope containing a letter dated 24 January 2009 enclosing a service copy of said Notice to be delivered by Certified First Class Mail to Applicant's attorney of record at the address of record. The Certified First Class label was numbered 7183 5689 5201 8333 and was addressed to zip code 90403-2203. Shortly after retrieving the label from the APC machine, I attached it to the envelope, which I then deposited in the OUTGOING MAIL slot in the same lobby, whereupon the envelope left my custody and was now in the custody of the USPS.
4. As evidenced by the attached USPS Track and Confirm email received from the USPS dated 27 January 2009 (Exhibit A-4), said Certified First Class Mail was accepted on 24 January 2009. It is my understanding that the Sierra Madre Post Office does not process any mail on Saturday evening or any time on Sunday, so it was and is my belief that although the envelope was deposited with the USPS on Saturday evening, the required Certified Mail processing would not have been commenced until some time on

Monday (26 January) and would not have been completed (including updating the tracking information available to the public) until the next morning (27 January).

5. As evidenced by the attached USPS Track and Confirm email received from the USPS dated 29 January 2009 (Exhibit A-5), said Certified First Class Mail was apparently "delivered" on 29 January 2009 (a Thursday), at approximately 1:11 pm. In any event, Applicant's attorney has acknowledged it was "received" on 31 January 2009 (a Saturday).

6. It was and is my understanding of the applicable trademark rules that service of a Notice of Opposition or a Petition for Cancellation is to be made concurrently (i.e., on the same day) with filing, and that when using the ESTTA it is not practical, and certainly not efficient, to first prepare a paper version of the Notice and actually verify that it has been deposited with the US Postal Service prior to commencing preparation of a somewhat differently formatted and worded electronic version using the ESTTA Opposition form. In that regard, I note that what I believe to be the most current version (v 1.2, 03/2004!) of instructions for using the ESTTA Opposition form (relevant excerpts attached for the Board's convenience as Exhibit A-6) make no mention of Proof of Service, and the screen used by ESTTA to prepare the Proof of Service (a screen shot of which is attached for the Board's convenience as Exhibit A-7) uses the phrase "is being served" rather than "has been served".

7. I know of no way to save the ESTTA Opposition form data after the form has been filled out but before the required fee has been paid; as a matter of fact the referenced ESTTA instructions warn that inactivity for more than 30 minutes will result in a loss of all previously entered data (see ESTTA Guide [Exhibit A-6], page 5, bullet 7), which could in my opinion frequently result in somewhat different information appearing on an earlier printed version prepared for service on the defendant and on a later electronic version prepared for filing with the TTAB. On the other hand, it was and is my belief that printing the service copy only after the electronic copy has been completed and filed with a "prima facie" Proof of Service stating the date and manner (but not the time) of service is not only more efficient from the perspective of the plaintiff, it also

ensures that there is only one version of all critical data (in a format which can be immediately entered without error into the TTAB's electronic database) and that all concerned parties (including the defendant) are reading from the same text.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/JMM/ 6 April 2009

JOHN M MAY



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## Receipt

Your submission has been received by the USPTO.  
The content of your submission is listed below.  
You may print a copy of this receipt for your records.

ESTTA Tracking number: **ESTTA262536**Filing date: **01/24/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following parties oppose registration of the indicated application.

### Opposers Information

<b>Name</b>	Anastasia Beverly Hills, Inc.
<b>Granted to Date of previous extension</b>	01/24/2009
<b>Address</b>	438 North Bedford Drive Beverly Hills, CA 90210 UNITED STATES

<b>Name</b>	Anastasia Soare
<b>Granted to Date of previous extension</b>	01/24/2009
<b>Address</b>	438 N Bedford Drive Beverly Hills, CA 90210 UNITED STATES

<b>Party who filed Extension of time to oppose</b>	AnastasiaSoare
<b>Relationship to party who filed Extension of time to oppose</b>	typographical error in original input

<b>Name</b>	Anastasia Skin Care Inc.		
<b>Entity</b>	Corporation	<b>Citizenship</b>	California
<b>Address</b>	438 N Bedford Drive Beverly Hills, CA 90210 UNITED STATES		

<b>Attorney information</b>	John M May Anastasia Beverly Hills, Inc. 438 North Bedford Drive Beverly Hills, CA 90210 UNITED STATES Law@May.us,dchavez@dchavezlaw.com,raluca@anastasia.net Phone:(626) 355 4607
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### Applicant Information

<b>Application No</b>	77150306	<b>Publication date</b>	11/25/2008
<b>Opposition Filing Date</b>	01/24/2009	<b>Opposition Period Ends</b>	01/24/2009
<b>Applicant</b>	ANASTASIA MARIE LABORATORIES, INC. 6520 North Western Avenue Suite 103 Oklahoma City, OK 73116 UNITED STATES		

### Goods/Services Affected by Opposition

Class 003. First Use: 2000/05/23 First Use In Commerce: 2000/05/23
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SIERRA MADRE MAIN OFC  
61 S. BALDWIN AVENUE  
SIERRA MADRE, CA 91024-9998

01/24/2009 08:10:02 PM

*Amex*  
Sales Receipt  
Product Sale Unit Final  
Description Qty Price Price

SANTA MONICA, CA 90403-2203 \$ .59  
Zone-1 First-Class Mail®  
Letter  
0 lb. 2.00 oz.  
Certified Mail™ \$2.70  
Return Receipt (email) \$1.00  
Label #:  
7183 5689 8370 5201 6333

Issue Postage: \$4.29

Total: \$4.29

*AX 1.24*  
Paid by: AMEX \$4.29

Account #: XXXXXXXXXXXX2005  
Approval #: 509440  
Transaction #: 116  
23-902600121-99 5049878440

Transaction Number: 31  
USPS® #: 057230-9550

\*\*\*\*\*  
\* IMPORTANT: For Return Receipt (by \*  
\* email), wait at least one day, but \*  
\* no more than 60 days, to make your \*  
\* request; visit www.usps.com; \*  
\* select "Track & Confirm"; enter \*  
\* label number(s); select "Request \*  
\* Return Receipt (Electronic)"; \*  
\* enter your name and email address. \*  
\*\*\*\*\*

To check on the delivery status of  
your Certified Mail™ article, visit  
our Track & Confirm website at  
www.usps.com or use this Automated  
Postal Center™ (or any Automated  
Postal Center™ at other Postal  
locations).

Thanks.  
It's a pleasure to serve you.

ALL SALES FINAL ON STAMPS AND POSTAGE.  
REFUNDS FOR GUARANTEED SERVICES ONLY.

All goods and services in the class are opposed, namely: Body cream; Body lotion; Hand cream; Hand lotions; Skin cleansing lotion

### Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Consists of or comprises a name, portrait, or signature of a living individual without written consent, or the name, portrait, or signature of a deceased president without the written consent of the surviving spouse	Trademark Act section 2(c)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)
Other	Applicant's mark as currently being used in the usual course of trade is materially different from the published mark.

### Marks Cited by Opposer as Basis for Opposition

<b>U.S. Registration No.</b>	2798069	<b>Application Date</b>	10/27/1999
<b>Registration Date</b>	12/23/2003	<b>Foreign Priority Date</b>	NONE
<b>Word Mark</b>	A ANASTASIA BEVERLY HILLS		
<b>Design Mark</b>	75833290#TMSN.gif		
<b>Description of Mark</b>	NONE		
	Class 003. First use: First Use: 1999/09/00 First Use In Commerce: 1999/09/00 Potpourri; cosmetics, namely, foundation, concealer, pressed powder, loose powder, eye shadow base, blush, bronzing liquid, eye shadows, mascara, eyeliners, lip coverings, lipstick, lip gloss, lip liners, eyebrow color pencils, eyebrow pencils, eyebrow powder, eyebrow pomade, eyebrow gel, nail polish, nail base		

**Goods/Services**

coat, and nail top coat; skin care products, namely, facial cleansers, facial cleansing bars, facial toners, facial astringents, facial moisturizers, eye creams, eye gels, eye-area moisturizers, eye-area gels, eye-area creams, facial masques, facial serums, facial exfoliators, body cream, body lotion, body powder, body moisturizers, body lotions, body toners, body astringents, and hand creams; body cleansing products, namely, creams, gels, and bar soaps; fragrance products, namely, perfume, eau de parfum, eau de toilette, eau de cologne, and fragranced creams, lotions, gels, bar body toners, and astringents; room fragrances

Class 004. First use: First Use: 1999/09/00 First Use In Commerce: 1999/09/00

candles

Class 008. First use: First Use: 1999/09/00 First Use In Commerce: 1999/09/00

eyebrow tweezers and eyebrow grooming scissors

Class 021. First use: First Use: 1999/09/00 First Use In Commerce: 1999/09/00

cosmetic brushes

<b>U.S. Registration No.</b>	2821892	<b>Application Date</b>	10/28/1999
<b>Registration Date</b>	03/16/2004	<b>Foreign Priority Date</b>	NONE
<b>Word Mark</b>	ANASTASIA BEVERLY HILLS		
<b>Design Mark</b>	75833810#TMSN.gif		
<b>Description of Mark</b>	NONE		
<b>Goods/Services</b>	<p>Class 003. First use: First Use: 2000/03/00 First Use In Commerce: 2000/09/00</p> <p>potpourri; cosmetics, namely, foundation, concealer, pressed powder, loose powder, eye shadow base, blush, bronzing products, eye shadows, mascara, eyeliners, lip coverings, lipstick, lip gloss, lip liners, eyebrow color products, eyebrow pencils, eyebrow powder, eyebrow pomade, eyebrow gel, nail polish, nail base coat, and nail top coat; skin care products, namely, facial cleansers, facial cleansing bars, facial toners, facial astringents, facial moisturizers, eye creams, eye gels, eye-area moisturizers, eye-area gels, eye area creams, facial masques, facial serums, facial exfoliators, body cream, body lotion, body powder, body moisturizers, body lotions, body toners, body astringents, and hand creams; body cleansing products, namely, creams, gels,</p>		

and bar soaps; fragrance products, namely, perfume, eau de parfum, eau de toilette, eau de cologne, and fragranced creams, lotions, gels, bar body toners, and astringents; room fragrances  
 Class 004. First use: First Use: 2000/03/00 First Use In Commerce: 2000/09/00  
 candles  
 Class 008. First use: First Use: 2000/03/00 First Use In Commerce: 2000/08/00  
 eyebrow tweezers and eyebrow grooming scissors  
 Class 021. First use: First Use: 2000/03/00 First Use In Commerce: 2000/08/00  
 cosmetic brushes

<b>U.S. Registration No.</b>	3503367	<b>Application Date</b>	02/25/2005
<b>Registration Date</b>	09/23/2008	<b>Foreign Priority Date</b>	NONE
<b>Word Mark</b>	A ANASTASIA BEVERLY HILLS		
<b>Design Mark</b>	76632127#TMSN.gif		
<b>Description of Mark</b>	NONE		
<b>Goods/Services</b>	Class 044. First use: First Use: 1999/09/00 First Use In Commerce: 1999/09/00 Beauty salon services, namely, hair removal, dressing and styling		

<b>U.S. Registration No.</b>	3342405	<b>Application Date</b>	02/25/2005
<b>Registration Date</b>	11/27/2007	<b>Foreign Priority Date</b>	NONE
<b>Word Mark</b>	ANASTASIA BEVERLY HILLS		
<b>Design Mark</b>	76632130#TMSN.gif		
<b>Description of Mark</b>	NONE		
<b>Goods/Services</b>	Class 044. First use: First Use: 1999/09/00 First Use In Commerce: 1999/09/00 Beauty salon services, namely hair removal, dressing and styling		

<b>Attachments</b>	75833290#TMSN.gif ( 1 page )( bytes ) 75833810#TMSN.gif ( 1 page )( bytes ) 76632127#TMSN.gif ( 1 page )( bytes ) 76632130#TMSN.gif ( 1 page )( bytes ) Grounds.txt ( 3 pages )(6708 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

<b>Signature</b>	/John M May/
<b>Name</b>	John M May
<b>Date</b>	01/24/2009

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**From:** estta-server@uspto.gov  
**Subject:** ESTTA. Notice of Opposition. confirmation receipt ID: ESTTA262536  
**Date:** January 24, 2009 7:19:54 PM PST  
**To:** Law@May.us, dchavez@dchavezlaw.com, raluca@anastasia.net

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Notice of Opposition.

Tracking No: ESTTA262536

#### ELECTRONIC SYSTEM FOR TRADEMARK TRIALS AND APPEALS Filing Receipt

We have received your Notice of Opposition. submitted through the Trademark Trial and Appeal Board's ESTTA electronic filing system. This is the only receipt which will be sent for this paper. If the Board later determines that your submission is inappropriate and should not have been accepted through ESTTA, you will receive notification and appropriate action will be taken.

Please note:

Unless your submission fails to meet the minimum legal requirements for filing, the Board will not cancel the filing or refund any fee paid.

If you have a technical question, comment or concern about your ESTTA submission, call 571-272-8500 during business hours or e-mail at [estta@uspto.gov](mailto:estta@uspto.gov).

The status of any Board proceeding may be checked using TTABVue which is available at <http://ttabvue.uspto.gov>. Complete information on Board proceedings is not available through the TESS or TARR databases. Please allow a minimum of 2 business days for TTABVue to be updated with information on your submission.

The Board will consider and take appropriate action on your filing in due course.

Printable version of your request is attached to this e-mail

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ESTTA server at <http://estta.uspto.gov>

ESTTA Tracking number: ESTTA262536  
Filing date: 01/24/2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice is hereby given that the following parties oppose registration of the indicated application.

Opposer Name: Anastasia Beverly Hills, Inc.

Granted to Date of previous extension: 01/24/2009

Address: 438 North Bedford Drive

Beverly Hills, CA 90210

UNITED STATES

Opposer Name: Anastasia Soare

Granted to Date of previous extension: 01/24/2009

Address: 438 N Bedford Drive

Beverly Hills, CA 90210

UNITED STATES

Party who filed Extension of time to oppose: AnastasiaSoare

Relationship to party who filed Extension of time to oppose: typographical error in original input

Name: Anastasia Skin Care Inc.

Entity: Corporation

Citizenship: California

Address: 438 N Bedford Drive

Beverly Hills, CA 90210

UNITED STATES

Attorney information:

John M May

Anastasia Beverly Hills, Inc.

438 North Bedford Drive

Beverly Hills, CA 90210

UNITED STATES

[Law@May.us](mailto:Law@May.us), [dchavez@dchavezlaw.com](mailto:dchavez@dchavezlaw.com), [raluca@anastasia.net](mailto:raluca@anastasia.net) Phone:(626) 355 4607

Applicant Information:

Application Serial No: 77150306

Publication date: 11/25/2008

Opposition Filing Date:

Opposition Period Ends: 01/24/2009

Applicant: ANASTASIA MARIE LABORATORIES, INC.

Address: 6520 North Western Avenue Suite 103

Oklahoma City, OK 73116

UNITED STATES

Goods/Services Affected by Opposition:

Class 003. First Use: 20000523 First Use In Commerce: 20000523

All goods and services in the class are opposed, namely: Body cream; Body lotion; Hand cream; Hand lotions; Skin cleansing lotion

Grounds for Opposition: Deceptiveness, Trademark Act section 2(a)

False suggestion of a connection, Trademark Act section 2(a)

Consists of or comprises a name, portrait, or signature of a living individual without written consent, or the name, portrait, or signature of a deceased president without the written consent

of the surviving spouse, Trademark Act section 2(c)  
Priority and likelihood of confusion, Trademark Act section 2(d)  
Dilution, Trademark Act section 43(c)  
Other Applicant's mark as currently being used in the usual  
course of trade is materially different from the  
published mark.

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.: 2798069

Application Date: 10/27/1999

Registration Date: 12/23/2003

Word Mark: A ANASTASIA BEVERLY HILLS

Goods/Services:

Class 003 First Use: 19990900 First Use In Commerce: 19990900

Potpourri; cosmetics, namely, foundation, concealer, pressed powder, loose powder, eye shadow base, blush, bronzing liquid, eye shadows, mascara, eyeliners, lip coverings, lipstick, lip gloss, lip liners, eyebrow color pencils, eyebrow pencils, eyebrow powder, eyebrow pomade, eyebrow gel, nail polish, nail base coat, and nail top coat; skin care products, namely, facial cleansers, facial cleansing bars, facial toners, facial astringents, facial moisturizers, eye creams, eye gels, eye-area moisturizers, eye-area gels, eye-area creams, facial masques, facial serums, facial exfoliators, body cream, body lotion, body powder, body moisturizers, body lotions, body toners, body astringents, and hand creams; body cleansing products, namely, creams, gels, and bar soaps; fragrance products, namely, perfume, eau de parfum, eau de toilette, eau de cologne, and fragranced creams, lotions, gels, bar body toners, and astringents; room fragrances

Class 004 First Use: 19990900 First Use In Commerce: 19990900  
candles

Class 008 First Use: 19990900 First Use In Commerce: 19990900  
eyebrow tweezers and eyebrow grooming scissors

Class 021 First Use: 19990900 First Use In Commerce: 19990900  
cosmetic brushes

U.S. Registration No.: 2821892

Application Date: 10/28/1999

Registration Date: 03/16/2004

Word Mark: ANASTASIA BEVERLY HILLS

Goods/Services:

Class 003 First Use: 20000300 First Use In Commerce: 20000900

potpourri; cosmetics, namely, foundation, concealer, pressed powder, loose powder, eye shadow base, blush, bronzing products, eye shadows, mascara, eyeliners, lip coverings, lipstick, lip gloss, lip liners, eyebrow color products, eyebrow pencils, eyebrow powder, eyebrow pomade, eyebrow gel, nail polish, nail base coat, and nail top coat; skin care products, namely, facial cleansers, facial cleansing bars, facial toners, facial astringents, facial moisturizers, eye creams, eye gels, eye-area moisturizers, eye-area gels, eye area creams, facial masques, facial serums, facial exfoliators, body cream, body lotion, body powder, body moisturizers, body lotions, body toners, body astringents, and hand creams; body cleansing products, namely, creams, gels, and bar soaps; fragrance products, namely, perfume, eau de parfum, eau de toilette, eau de cologne, and fragranced creams, lotions, gels, bar body toners, and astringents; room fragrances

Class 004 First Use: 20000300 First Use In Commerce: 20000900  
candles

Class 008 First Use: 20000300 First Use In Commerce: 20000800

eyebrow tweezers and eyebrow grooming scissors  
Class 021 First Use: 20000300 First Use In Commerce: 20000800  
cosmetic brushes  
U.S. Registration No.: 3503367  
Application Date: 02/25/2005  
Registration Date: 09/23/2008  
Word Mark: A ANASTASIA BEVERLY HILLS  
Goods/Services:  
Class 044 First Use: 19990900 First Use In Commerce: 19990900  
Beauty salon services, namely, hair removal, dressing and styling  
U.S. Registration No.: 3342405  
Application Date: 02/25/2005  
Registration Date: 11/27/2007  
Word Mark: ANASTASIA BEVERLY HILLS  
Goods/Services:  
Class 044 First Use: 19990900 First Use In Commerce: 19990900  
Beauty salon services, namely hair removal, dressing and styling

Attachments:

75833290#TMSN.gif ( 1 page )  
75833810#TMSN.gif ( 1 page )  
76632127#TMSN.gif ( 1 page )  
76632130#TMSN.gif ( 1 page )  
Grounds.txt ( 3 pages )

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address of record by First Class Mail on this date.

John M May  
/John M May/  
01/24/2009

**From:** "U.S.\_Postal\_Service\_"<U.S.\_Postal\_Service@usps.com>  
**Subject:** **USPS Shipment Info for 7183 5689 8370 5201 6333**  
**Date:** January 27, 2009 11:12:17 AM PST  
**To:** John@May.us

---

This is a post-only message. Please do not respond.

John May has requested that you receive the current Track & Confirm information, as shown below.

Current Track & Confirm e-mail information provided by the U.S. Postal Service.

Label Number: 7183 5689 8370 5201 6333

Service Type: First-Class Packages Certified Mail

Shipment Activity	Location	Date & Time
Acceptance	SIERRA MADRE CA 91024	01/24/09 8:11pm

USPS has not verified the validity of any email addresses submitted via its online Track & Confirm tool.

For more information, or if you have additional questions on Track & Confirm services and features, please visit the Frequently Asked Questions (FAQs) section of our Track & Confirm site at

<http://www.usps.com/shipping/trackandconfirmfaq.htm>

**From:** "U.S.\_Postal\_Service\_"<U.S.\_Postal\_Service@usps.com>  
**Subject:** **USPS Shipment Info for 7183 5689 8370 5201 6333**  
**Date:** January 29, 2009 4:06:50 PM PST  
**To:** John@May.us

---

This is a post-only message. Please do not respond.

John May has requested that you receive a Track & Confirm update, as shown below.

Track & Confirm e-mail update information provided by the U.S. Postal Service.

Label Number: 7183 5689 8370 5201 6333

Service Type: First-Class Packages Certified Mail

Shipment Activity	Location	Date & Time
Delivered	SANTA MONICA CA 90403	01/29/09 1:13pm
Notice Left	SANTA MONICA CA 90403	01/29/09 1:11pm
Acceptance	SIERRA MADRE CA 91024	01/24/09 8:11pm

Reminder: Track & Confirm by email

Date of email request: 01/27/09

Future activity will continue to be emailed for up to 2 weeks from the Date of Request shown above. If you need to initiate the Track & Confirm by email process again at the end of the 2 weeks, please do so at the USPS Track & Confirm web site at <http://www.usps.com/shipping/trackandconfirm.htm>

---

USPS has not verified the validity of any email addresses submitted via its online Track & Confirm tool.

For more information, or if you have additional questions on Track & Confirm services and features, please visit the Frequently Asked Questions (FAQs) section of our Track & Confirm site at <http://www.usps.com/shipping/trackandconfirmfaq.htm>



# **ESTTA User's Guide**

**Your guide to using Electronic  
System for Trademark Trials and  
Appeals (ESTTA) on the PTOnet**

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**[03/2004]**

**v 1.2**

# Introduction

This booklet provides an overview of the Electronic System for Trademark Trials and Appeals (**ESTTA**) . ESTTA allows parties to complete TTAB forms online and submit them electronically. ESTTA is a web application that is available to parties and the general public, 24 hours a day, 7 days a week, except during system maintenance.

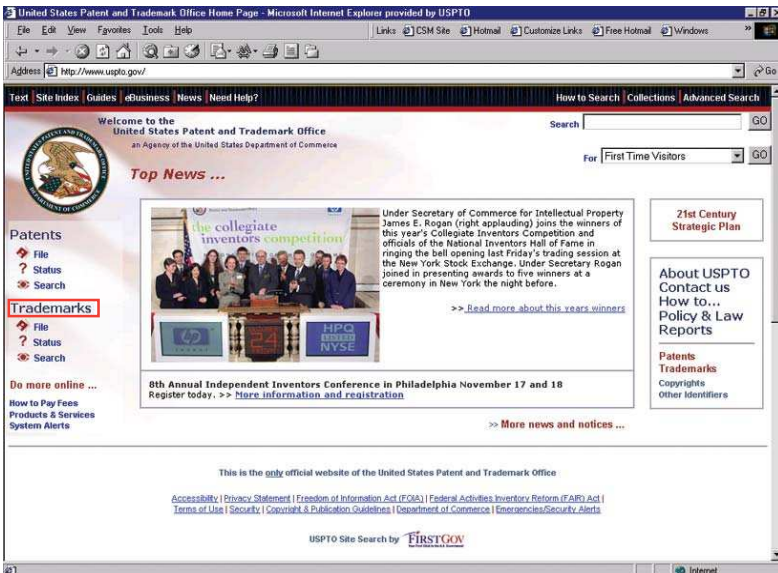
This is a quick reference guide to help you use ESTTA. For further details, please refer to the online help.

## Getting Help...


If you have any problems or questions regarding ESTTA, please call the TTAB at (703)308-9330.

## Getting Started...

To get started, go to USPTO website at <http://www.uspto.gov>, then click on **Trademarks**.



Under **Trademark Trial and Appeal Board (TTAB)**, click on About TTAB and then on the **ESTTA** link.


**United States Patent and Trademark Office**
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---

**Trademarks**

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[U.S. Joins Madrid Protocol](#) | [Correspondence Changes](#) | more ...  
[Temporary Postponement of Electronic Filing and Payment Rules for Certain Madrid Protocol-related Rules](#) [PDF]  
[TTABVue](#) - view images of Proceeding documents online!

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Where do I start? << **START HERE!**

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**Design Search Code Manual**

**Official Gazette - Trademarks**  
[made published for opposition & registration certificates](#)

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[View TTAB Proceeding documents](#)

**Status** Check status of pending and registered trademarks

**Download PDF Viewer**

**KEY:** 413=online business system 413=fees 413=forms 413=help 413=laws/regulations 413=definition (glossary)


Call the Trademark Assistance Center at 703-308-9000 for help on trademark matters. Send questions about USPTO programs and services to the USPTO Contact Center (UCC). You can suggest USPTO webpages or material you would like featured on this section by E-mail to the [webmaster@uspto.gov](mailto:webmaster@uspto.gov). While we cannot promise to accommodate all requests, your suggestions will be considered and may lead to other improvements on the website.

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# Welcome to ESTTA

Using ESTTA, you can complete forms online and file them with the TTAB over the Internet. ESTTA provides step-by-step instructions for properly completing a form. Carefully read the instructions for EACH screen prior to completing it. Failure to follow the instructions may jeopardize your legal rights.



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Electronic System for Trademark Trials and Appeals

## Welcome to ESTTA

Using ESTTA, you can complete and submit forms to the TTAB over the Internet, making an official filing date when received on the USPTO server, unless a fee is required, in which case the time stamp is applied when the payment process is completed and the receipt screen is displayed. The time the transmission began is not a factor considered when assigning the filing date. The official filing date and time can be found on the confirmation web screen and in your e-mail confirmation.

**Filing Date.** Eastern Time controls the filing date. Forms filed via ESTTA are time-stamped with the official filing date when received on the USPTO server, unless a fee is required, in which case the time stamp is applied when the payment process is completed and the receipt screen is displayed. The time the transmission began is not a factor considered when assigning the filing date. The official filing date and time can be found on the confirmation web screen and in your e-mail confirmation.

**Fees.** If there is a fee for the filing, you must pay by credit card (MasterCard, Visa, American Express or Discover) OR through an existing USPTO deposit account.

**Confidential documents.** DO NOT FILE CONFIDENTIAL PAPERS ONLINE. Confidential documents must be filed in paper, under separate cover. See Trademark Rule 2.126(d).

**Guidelines**

- Highlighted terms are linked to relevant instructions or help screens, which will open in a new window.
- Fields labeled with the \* symbol must be completed; all other relevant fields should be completed if the information is known.
- Do not use your browser's "back" and "forward" buttons to navigate. Use only the navigation buttons and links on the ESTTA screens.
- After completing all required fields, you will be prompted to validate and sign your submission. The date appearing on this screen will be submitted to the TTAB. If necessary, navigate back to the proper field to correct the information prior to transmitting the form.
- Upon transmission, the form will be assigned an ESTTA tracking number that will be displayed on the next screen.
- Once a request is submitted electronically, the office will immediately provide the sender with an e-mail acknowledgment of receipt. Print a copy of this screen for your records. Please contact the Office within 24 hours of transmission (or by the next business day) if you do not receive this acknowledgment.
- Once a paper is filed electronically, the filing will not be cancelled, unless the request fails to satisfy the minimum filing requirements, and any fee paid will not be refunded unless paid by mistake or in excess of the amount required.

[Click Here for ESTTA Technical Requirements](#)

**Madrid Protocol**

Oppositions to extensions of protection under the Madrid Protocol (or requests for extensions of time to oppose) must be filed electronically using ESTTA. If you are a first-time user, you are strongly urged to plan ahead, and to submit your notice of opposition prior to the deadline in case you encounter problems. The Board will not extend the time to oppose other than as specifically set out in the Trademark Rules.

**CONTACT INFORMATION**

For general information about filing electronically, please telephone us at 703-306-9338, or e-mail your questions to [ESTTA@uspto.gov](mailto:ESTTA@uspto.gov). We will respond to your e-mail inquiry within 2 business days. Please include your telephone number in your e-mail, so we can talk to you directly, if necessary.

**PRIVACY POLICY STATEMENT**

The information collected on these forms allows the TTAB to determine whether a party is entitled to registration of a mark. Responses to the requests for information are required to obtain the requested action. All information collected will be made public. Gathering and providing the information will require an estimated 10 to 45 minutes, depending on the form chosen. Please direct comments on the time needed to complete this form, and/or suggestions for reducing this burden to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. Please note that the TTAB may not conduct or sponsor a collection of information using a form that does not display a valid OMB control number.

**Please click here to access all available forms and to file papers in inter partes cases.**

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**Filing Date.** Eastern Time controls the filing date. Forms filed via ESTTA are time-stamped with the official filing date and time when re-

ceived on the USPTO server, unless a fee is required, in which case the time stamp is applied when the payment process is completed and the receipt screen is displayed. The time the transmission began is not a factor considered when assigning the filing date. The official filing date and time can be found on the confirmation web screen and in your e-mail confirmation.

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## Guidelines

- Highlighted terms are linked to relevant instructions or help screens, which will open in a new window.
- Fields labeled with the \* symbol must be completed; all other relevant fields should be completed if the information is known.
- Do not use your browser's "back" and "forward" buttons to navigate. Use only the navigation facilities on the ESTTA screens.
- After completing all required fields, you will be prompted to validate and sign your submission. The data appearing on this screen will be submitted to the TTAB. If necessary, navigate back to the proper field to correct the information prior to transmitting the form.
- Upon transmission, the form will be assigned an ESTTA tracking number that will be displayed on the next screen.
- Once a request is submitted electronically, the office will immediately provide the sender with an e-mail acknowledgment of receipt. Print a copy of this screen for your records. Please contact the Office within 24 hours of transmission (or by the next business day) if you do not receive this acknowledgment.
- You must complete each page and navigate to the next or previous page within 30 minutes.
- Once a paper is filed electronically, we will not cancel the filing, unless the request fails to satisfy the minimum filing requirements, and any fee paid will not be refunded unless paid by mistake or in excess of the amount required.

[Click Here for ESTTA Technical Requirements.](#)

## Madrid Protocol

Oppositions to extensions of protection under the Madrid Protocol (or requests for extensions of time to oppose) must be filed electronically using ESTTA. If you are a first-time user, you are strongly urged to plan ahead, and to submit your notice of opposition prior to the deadline in case you encounter problems. The Board will not extend the time to oppose other than as specifically set out in the Trademark Rules.

## Contact Information

For general information about filing electronically, please telephone us at, 703-308-9330, or e-mail your question(s) to [ESTTA@uspto.gov](mailto:ESTTA@uspto.gov). We will respond to your e-mail inquiry within 2 business days. Please include your telephone number in your e-mail, so we can talk to you directly, if necessary.

### ***PRIVACY POLICY STATEMENT***

The information collected on these forms allows the TTAB to determine whether a party is entitled to registration of a mark. Responses to the requests for information are required to obtain the requested action. All information collected will be made public. Gathering and providing the information will require an estimated 10 to 45 minutes, depending on the form chosen. Please direct comments on the time needed to complete this form, and/or suggestions for reducing this burden to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. Please note that the TTAB may not conduct or sponsor a collection of information using a form that does not display a valid OMB control number.

Please click [here](#) to access all forms.

## ***ESTTA Forms***

There are currently six forms available:

- **Request for Extension of Time to File an Opposition**
- **Notice of Opposition**
- **Petition for Cancellation**
- **Papers in *Inter Partes* Cases.**
- **Notice of Appeal**
- **Miscellaneous *Ex Parte* Papers**

ESTTA will present forms that you fill in to create the completed request. You are only presented with the appropriate sections to fill out. These sections include:

Potential Opposer Information; Filer/Attorney Information; Correspondence Address; Signature(s) and Validate & Submit.

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**Electronic System for Trademark Trials and Appeals**

Please choose one of the following options to start filing a form for

- Request for Extension of Time to File an Opposition**  
File a request for extension of time to file a notice of opposition.  
Enter the serial number of the mark to which the filing applies.    
There is no filing fee associated with this form.
- Notice of Opposition**  
File a notice of opposition to registration against one or more applications.  
Enter the serial number of the first application to be opposed.    
There is a fee for filing a notice of opposition.
- Petition for Cancellation (no help text yet)**  
File a petition to cancel one or more registered trademarks.  
Enter the registration number of the first property to be petitioned.    
There is a fee for filing a petition of cancellation.
- Papers in Inter Partes cases**  
File motions, briefs, and other papers in opposition and cancellation proceedings.  
Enter the proceeding number.    
Most filings do not require a fee.
- Notice of Appeal (no help text yet)**  
Legal text regarding the NOA filing is there.  
Enter the serial number of the mark to which the filing applies.    
There is a fee for filing a notice of appeal.
- Miscellaneous Ex Parte Papers (no help text yet)**  
Misc EXA is a filing relating to an application involved in ex parte appeal proceeding pending before the TTAB.  
Enter the proceeding number.    
There is no filing fee associated with this form.

DO NOT FILE CONFIDENTIAL PAPERS ONLINE. Confidential documents must be filed in paper, under separate cover. See Trademark Rule 2.126(d).

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# Notice of Opposition

ESTTA allows you to file a notice of opposition against the registration of marks in one or more applications. A fee of \$300, per opposer per class opposed is required.

To begin, enter the serial number of the first application to be opposed. Click on **Start**.

The **Application/Registration Data** window appears. This page displays the information relating to the serial number that the you entered.

Verify whether you have entered the correct serial number by clicking the **This is the correct application/registration** button to move forward. If incorrect, click **Cancel** and enter the correct number.



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**Electronic System for Trademark Trials and Appeals**

PTO-???? (Exp. ???/??/20??)  
OMB No. ???-???? (Exp. ???/??/20??)

Notice of Opposition.

## Application/Registration data

Navigation: TARR


<b>Applicant's Name</b>	BRITISH PETROLEUM COMPANY P.L.C., THE
<b>Application Serial Number</b>	73720837
<b>Filing Date of Application</b>	1988-04-06
<b>Date of Publication</b>	07/07/2003
<b>International Classes</b>	011
<b>Applied-for Mark</b>	STEDAIR

This is the correct application/registration

Cancel



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After clicking the **This is the correct application/registration** button, The **Goods and Services Opposed** window appears (shown on next page).

	<b>UNITED STATES PATENT AND TRADEMARK OFFICE</b>												
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<b>Electronic System for Trademark Trials and Appeals</b>													
PTO-???? (Exp. ????) OMB No. ???? (Exp. ????)						Notice of Opposition							
<h2 style="margin: 0;">Goods and Services Opposed</h2>													
Navigation: <a href="#">TARR</a> - Goods/Services													
<b>Application Serial No 73722400 has 1 class. Please indicate below which goods/services are being opposed.</b>													
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 35%; padding: 5px; vertical-align: top;"> <input type="radio"/> <b>All of the goods in this class</b> </td> <td style="padding: 5px;">IC 011.</td> </tr> <tr> <td style="padding: 5px; vertical-align: top;"> <input type="radio"/> <b>Some of the goods in this class (deletions only)</b> </td> <td style="padding: 5px;">           Opposed Goods and Services:  <div style="border: 1px solid black; padding: 2px;">ELECTROSTATIC AIR FILTERS/CLEANERS</div> </td> </tr> <tr> <td style="padding: 5px; vertical-align: top;"> <input type="radio"/> <b>None of the goods in this class</b> </td> <td style="padding: 5px;">           First use: 19880405. First use in commerce: 19880405.         </td> </tr> </table>								<input type="radio"/> <b>All of the goods in this class</b>	IC 011.	<input type="radio"/> <b>Some of the goods in this class (deletions only)</b>	Opposed Goods and Services: <div style="border: 1px solid black; padding: 2px;">ELECTROSTATIC AIR FILTERS/CLEANERS</div>	<input type="radio"/> <b>None of the goods in this class</b>	First use: 19880405. First use in commerce: 19880405.
<input type="radio"/> <b>All of the goods in this class</b>	IC 011.												
<input type="radio"/> <b>Some of the goods in this class (deletions only)</b>	Opposed Goods and Services: <div style="border: 1px solid black; padding: 2px;">ELECTROSTATIC AIR FILTERS/CLEANERS</div>												
<input type="radio"/> <b>None of the goods in this class</b>	First use: 19880405. First use in commerce: 19880405.												
<div style="display: flex; justify-content: space-around;"> <span>Next</span> <span>Back</span> <span>Cancel</span> <span>Reset</span> </div>													
<div style="display: flex; justify-content: space-between;"> <span> <a href="#">HOME</a>   <a href="#">INDEX</a>   <a href="#">SEARCH</a>   <a href="#">SYSTEM STATUS</a>   <a href="#">BUSINESS CENTER</a>   <a href="#">NEWS&amp;NOTICES</a>   <a href="#">CONTACT US</a> </span> <span> <a href="#">PRIVACY STATEMENT</a> </span> </div>													

Choose from the list of **Goods and Services** on this window to indicate which goods and services are being opposed. You may elect to oppose all or none of the goods in each class, or to oppose registration with respect to certain goods within a class.


Click **Next** to proceed to the **Opposer Information** window or **Reset** to re- specify your choice (shown on next page).

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<small>PTO-???? (Exp. ????) (20??) OMB No. ????:???? (Exp. ????) (20??)</small>		<small>Notice of Opposition:</small>
<h2 style="margin: 0;">Opposer Information</h2>		
<small>Navigation: <a href="#">TARR</a> - <a href="#">Goods/Services</a> - <a href="#">Opposer</a></small>		
<b>Enter opposer information</b>		
<input type="checkbox"/> Opposer is represented by an attorney <small>Only attorneys qualified under Patent and Trademark Rule 10.14 may represent others before the Trademark Trial and Appeal Board.</small>		
<input type="radio"/> <b>Company</b>	<div style="border: 1px solid black; padding: 5px;"> Name * <input style="width: 80%;" type="text"/> </div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <div style="display: flex; justify-content: space-between;"> <div> <input type="radio"/> Corporation   <input type="radio"/> Partnership   <input type="radio"/> Other </div> <div> Name and citizenship of the general partners (List the first 10 only) * <input style="width: 80%;" type="text"/>  Entity type * <input style="width: 80%;" type="text"/> </div> </div> </div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Incorporated or registered in *    state: <input style="width: 50%;" type="text"/>  or country: <input style="width: 50%;" type="text"/> </div>	
<input type="radio"/> <b>Individual</b>	<div style="border: 1px solid black; padding: 5px;"> Prefix First Name *    Middle Name/Initial    Last Name *    Suffix  <input style="width: 15%;" type="text"/> <input style="width: 25%;" type="text"/> <input style="width: 25%;" type="text"/> <input style="width: 35%;" type="text"/> </div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Country of Citizenship * <input style="width: 80%;" type="text"/> <div style="display: flex; justify-content: space-between;"> Other: <input style="width: 60%;" type="text"/> </div> <small>If the country is not on the list, please, specify the country name</small> </div>	
<b>Address</b>	<div style="border: 1px solid black; padding: 5px;"> Street * <input style="width: 80%;" type="text"/>  (continued) <input style="width: 80%;" type="text"/>  City * <input style="width: 80%;" type="text"/>  State * <input style="width: 50%;" type="text"/> <div style="text-align: center; margin-top: 5px;"> <input type="button" value="Switch to non US address"/> </div> Country * <input style="width: 50%;" type="text"/> <input style="width: 50%;" type="text"/> Postal code * <input style="width: 50%;" type="text"/> </div>	
<input type="button" value="Next"/> <input type="button" value="Back"/> <input type="button" value="Cancel"/>		

Complete the **Opposer information** form. You can file on your own behalf (as an individual or business) or have an attorney represent you. Click on the "Opposer is represented by an attorney", if appropriate. Click **Next**.

The **Add/Modify** window appears (shown on next page). On this window you can additional applications or opposers and/or modify submitted information.

# Add/Modify Information



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PTO-???? (Exp. ???/??/20??)  
OMB No. ????-???? (Exp. ??/??/20??)

Notice of Opposition:

## Add/Modify Information

Navigation: Add/Modify

Please choose one of the following actions:

• Add another serial number to the request

Enter the serial number of the mark:

Add Property

• Add another opposer to the request

Click this button to enter information about additional opposer:

Add Opposer

• Change information in the request

Opposed application

Serial #: 73720819

Mark: INDAIR

Applicant: BRITISH PETROLEUM COMPANY P.L.C., THE

Class 011, Environmental control apparatus

Opposed all goods and services in the class: FLARE STACKS (BURNERS) AND TIPS THEREFOR

Remove

Edit

Opposer

hritvik roshan

Corporation: usa

htjjkukju

baltimore, DC 45667

US

Edit

• Continue

If you do not need to change the above information, click "Next" button below to proceed with correspondence information

Next

Cancel

To add an application, type in the serial number of the additional mark. Repeat previous steps.

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To add an opposer, click on the **Add Opposer** button which prompts the **Opposer Information** window (shown on page 18) for you to fill in the new Opposer information.

You can also remove or edit an existing property or Opposer by clicking on the appropriate buttons.

Click on the **Next** button at the bottom of the **Add/Modify Information** window and the **Attorney/Correspondence Information** window appears (shown on page 12). Enter the opposer(s) correspondence address and click **Next**.

---

**Note:** The Board will not send duplicate correspondence to any party. The opposer(s) may designate a domestic representative if opposer's country of origin is outside of the USA. If appropriate, an optional **Domestic Representative** window will appear.

---

## Grounds of Opposition

The **Grounds for Opposition** window appears (shown on next page) - only if you seek to oppose an application filed under § 660. Otherwise, the pleading window appears.

Select as many grounds for opposition as are applicable. If a particular ground is not listed, check the "Other" box and fill in the ground in the text box provided.

**Electronic System for Trademark Trials and Appeals**

PTO:???? (Exp. ???/??/20??)

QMB No. ???-??? (Exp. ???/??/20??)

Notice of Opposition.

## Grounds for opposition

Navigation: [Add/Modify](#) - [Correspondence](#) - Grounds

Please check as many grounds for opposition as are applicable. If a particular ground is not listed, check the "Other" box and fill in the ground in the text box provided.

NOTE: You may not amend the notice of opposition to add additional grounds during the course of the opposition proceeding (cite to rule). Additionally, although you must include a supporting statement which sets forth facts sufficient to give notice to the applicant of your claim pursuant to Fed. R. Civ. P. 8, if there is any discrepancy between the grounds checked below and those stated in your supporting statement, the grounds checked below will control. That is, the Board will not consider any ground of opposition that is not checked off below, even if it has been set forth in the supporting statement.

**The grounds for opposition are as follows:**

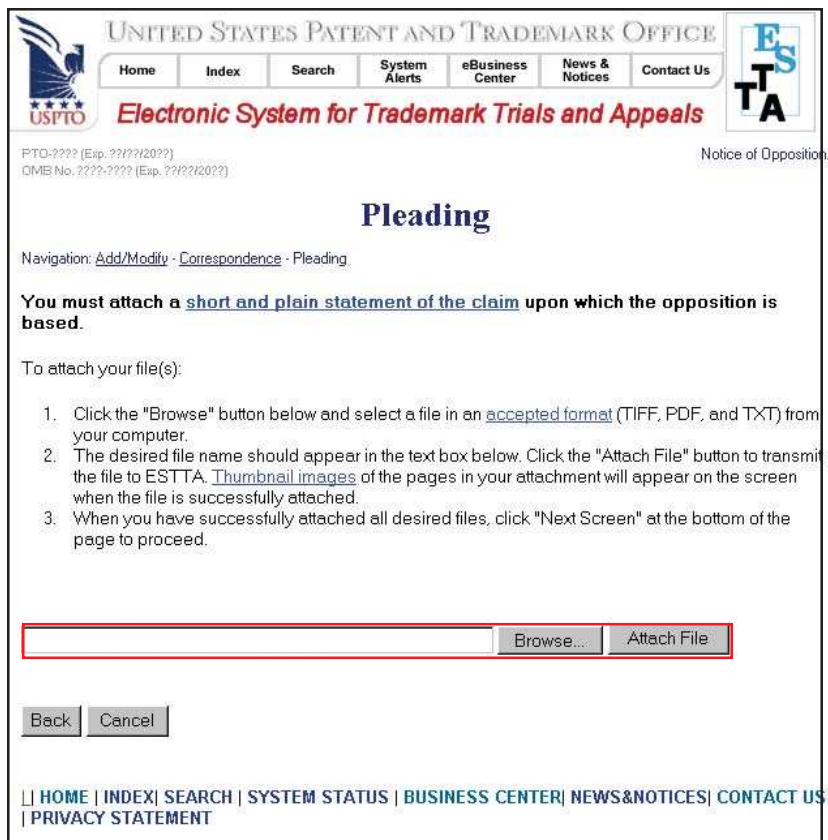
<input type="checkbox"/> Immoral or scandalous matter	Trademark Act § 2(a)
<input type="checkbox"/> Deceptiveness	Trademark Act § 2(a)
<input type="checkbox"/> False suggestion of a connection	Trademark Act § 2(a)
<input type="checkbox"/> Geographic indication which, if used on or in connection with wine or spirits, identifies a place other than the origin of the goods	Uruguay Round Agreements Act § 2(9)
<input type="checkbox"/> Consists of or comprises the flag or coat of arms or other insignia of the United States, or of any State or municipality, or of any foreign nation, or any simulation thereof	Trademark Act § 2(b)
<input type="checkbox"/> The mark is primarily geographically descriptive	Trademark Act § 2(e)(2)
<input type="checkbox"/> The mark is primarily geographically deceptively misdescriptive	Trademark Act § 2(e)(3)
<input type="checkbox"/> The mark is primarily merely a surname	Trademark Act § 2(e)(4)
<input type="checkbox"/> The mark comprises matter that, as a whole, is functional	Trademark Act § 2(e)(5)
<input type="checkbox"/> Dilution	Trademark Act § 43(c)
<input type="checkbox"/> Fraud	<i>Torres v. Cantine Torresella S.r.l.</i> , 808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
<input type="checkbox"/> Genericness	Trademark Act § 23
<input type="checkbox"/> Other (please concisely indicate grounds and statutory or common-law basis for opposition)	<div></div>

[Next](#)[Back](#)[Cancel](#)

Click on the **Next** Button and the **Pleading** window appears (shown on page 22).

## Pleading

You must attach a short and plain statement of the grounds upon which the opposition is based. Your document may be in TIFF, PDF or TXT format.



The screenshot shows the USPTO ESTTA (Electronic System for Trademark Trials and Appeals) interface. At the top, there is a header with the USPTO logo, the text "UNITED STATES PATENT AND TRADEMARK OFFICE", and a navigation bar with links: Home, Index, Search, System Alerts, eBusiness Center, News & Notices, and Contact Us. Below this is the title "Electronic System for Trademark Trials and Appeals" and the ESTTA logo. The main content area is titled "Pleading" and includes a navigation path: "Navigation: Add/Modify - Correspondence - Pleading". A bold instruction states: "You must attach a short and plain statement of the claim upon which the opposition is based." Below this, it says "To attach your file(s):" followed by a list of three steps: 1. Click the "Browse" button below and select a file in an accepted format (TIFF, PDF, and TXT) from your computer. 2. The desired file name should appear in the text box below. Click the "Attach File" button to transmit the file to ESTTA. Thumbnail images of the pages in your attachment will appear on the screen when the file is successfully attached. 3. When you have successfully attached all desired files, click "Next Screen" at the bottom of the page to proceed. Below the list, there is a text input field, a "Browse..." button, and an "Attach File" button. At the bottom left of the form area are "Back" and "Cancel" buttons. The footer contains a series of links: HOME | INDEX | SEARCH | SYSTEM STATUS | BUSINESS CENTER | NEWS&NOTICES | CONTACT US | PRIVACY STATEMENT.

PTO-???? (Exp. ???/20??)  
OMB No. ???-??? (Exp. ??/20??)

Notice of Opposition

### Pleading

Navigation: [Add/Modify](#) - [Correspondence](#) - [Pleading](#)


**You must attach a short and plain statement of the claim upon which the opposition is based.**

To attach your file(s):


1. Click the "Browse" button below and select a file in an accepted format (TIFF, PDF, and TXT) from your computer.
2. The desired file name should appear in the text box below. Click the "Attach File" button to transmit the file to ESTTA. Thumbnail images of the pages in your attachment will appear on the screen when the file is successfully attached.
3. When you have successfully attached all desired files, click "Next Screen" at the bottom of the page to proceed.

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM STATUS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

Click on the **Browse** button to search the file and then click on the **Attach File** button to attach the document (shown on next Page). You can remove the file by clicking on the **Remove** button.



UNITED STATES PATENT AND TRADEMARK OFFICE



Home Index Search System Alerts eBusiness Center News & Notices Contact Us

## Electronic System for Trademark Trials and Appeals

PTO-????(Exp. ????)20??)

OMB No. ???-???? (Exp. ????)20??)

Notice of Opposition.

### Pleading

Navigation: [Add/Modify](#) - [Correspondence](#) - [Pleading](#)

**You must attach a short and plain statement of the claim upon which the opposition is based.**

To attach your file(s):

- Click the "Browse" button below and select a file in an accepted format (TIFF, PDF, and TXT) from your computer.
- The desired file name should appear in the text box below. Click the "Attach File" button to transmit the file to ESTTA. Thumbnail images of the pages in your attachment will appear on the screen when the file is successfully attached.
- When you have successfully attached all desired files, click "Next Screen" at the bottom of the page to proceed.

Browse...
Attach File

**Attached images:**

1. test#page1.tif  
2. test#page2.tif  
3. test#page3.tif  
4. test#page4.tif  
5. test#page5.tif  
6. test#page6.tif  
7. test#page7.tif  
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93. test#page93.tif  
94. test#page94.tif  
95. test#page95.tif  
96. test#page96.tif  
97. test#page97.tif  
98. test#page98.tif  
99. test#page99.tif  
100. test#page100.tif


1. test#page1.tif  
Remove

Next screen
Back
Cancel

Click on the **Next Screen** button to go to the **Validate** window. The Validate window also shows the fees calculated according to the USPTO fee table.

## Validate

If all of the information is correct, click on the **Go to Payment Screen** button to pay your fees.



UNITED STATES PATENT AND TRADEMARK OFFICE  
**Electronic System for Trademark Trials and Appeals**

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ESTTA

PTO-???? (Exp. ??/??/20??)  
OMB No. ????-???? (Exp. ??/??/20??)

Notice of Opposition.

### Validate

Navigation: [Add/Modify](#) - [Correspondence](#) - [Pleading](#) - [Sign](#) - [Validate](#)

**Review the information below and click on the "to proceed with payment" button if the information is correct. If you need to edit any information, go back to proper screen using navigation facilities on this web page and make your correction(s).  
DO NOT USE THE BACK BUTTON ON YOUR BROWSER.**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Name	fhjk		
Opposer Entity	Corporation	Citizenship of Opposer	ma
Opposer Address	45 fg hij khkjl, AL 65677 UNITED STATES		

Correspondence information	tyu fhjk 45 fg hij khkjl, AL 65677 UNITED STATES gghj@aol.com
----------------------------	---

Applicant Information

Application No	73722400	Publication date	04/15/1988
Opposition Filing Date	08/03/2003	Opposition Period Ends	09/02/2003
Applicant	PERMATRON CORPORATION		
Applicant Address	10134 PACIFIC AVENUE FRANKLIN PARK, IL 60131 UNITED STATES		

Applicant's Goods/Services Affected by Opposition

Class 011. First use: 19880405 In Commerce: 19880405 All goods and services in the class are opposed, namely: ELECTROSTATIC AIR FILTERS/CLEANERS
---

Attachments	test.txt ( 1 page )
-------------	---------------------

Fee calculated according to [USPTO fee table](#)

Fee code	7402
amount	300.00
description	Notice of Opposition, per Class, Electronically Filed
Serial # 73722400	# of Classes Opposed 1
Total	300.00

[Go to Payment screen](#) [Back](#) [Cancel](#)

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| [PRIVACY STATEMENT](#)

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## The Payment window

The **Payment** window provides you with different options for payment.

Click the button which corresponds to your desired method of payment and the appropriate window will appear.



The U.S. Patent and Trademark Office supports Secure Sockets Layer (SSL) for the [security](#) of all transactions. If you would like to read more about the security of your transaction click [here](#).

### Credit Card Payment

The USPTO accepts the following credit cards for payment:  
Visa, Master Card, Discover and American Express.



Pay by Credit Card

### EFT Payment

If you maintain a checking or savings account in a US or affiliated bank then you may be able to make your payment by EFT (Electronic Funds Transfer). The EFT payment method will allow the cost of your payment to be withdrawn directly from the checking or savings account that you designate. If you would like to read more about the EFT payment method click [here](#). If you do not have an account with a US or affiliated bank please choose another payment method.

**NOTE:** Some banks do not allow EFT payments from a savings account; please check with your financial institution to verify whether they allow this type of funds transfer.

Pay by EFT

### Deposit Account Payment

The Deposit Account payment method authorizes USPTO to deduct your payment from your USPTO Deposit Account. If you do not have a USPTO Deposit Account please choose another payment method.

Pay by Deposit Account



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

[Privacy Act and Paperwork Reduction Act - as it relates to Credit Cards.](#)

**Item Purchase Description:**

USPTO TRADEMARK NOTICE OF OPPOSITION

**Amount:**

\$300.00

*Please verify that the above information is correct and then complete the payment form. Fields labeled in **bold text** are required.*

**Select the credit card type for this transaction:**

- ☐ Visa  
☐ Mastercard  
☐ American Express  
☐ Discover

**Enter the credit card number:**

**Enter the credit card expiration date:**

Month  Year

**Enter the name as it appears on the credit card:**

**Enter your billing address:**

**Street Address 1:**

**Street Address 2:**

**City:**

**State:**

**Zip or Postal:**

**Country:**

**Continue**

Change Payment Type

Cancel

Enter your credit card information and click on **Continue** to proceed with the transaction or click on **Change Payment Type** button to pay by another method.

When you click the **Continue** button, the **Payment Confirmation** window appears (shown on next page). If all the information displayed is correct, click the **Submit** button or click the **Change** button to make changes to the existing information.



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

Please confirm that the information shown below is correct. If there are any errors, click "**Change**" to return to the previous form. Otherwise, click "**Submit**" to process payment, or "**Cancel**" to abort the transaction.

**Credit Card Payment Information:**

-----  
Card Number: 5454545454545454  
Card Type: MASTERCARD  
Name on Card: GHHJ  
Expiration Date: 08/2003  
Street Address 1: 4545 FGFGHGH  
Street Address 2:  
City: HHJHJ  
State: ALABAMA  
Zip Code: 23556  
Country: USA  
Amount: \$300.00  
Description: USPTO TRADEMARK NOTICE OF OPPOSITION

Attorney Docket Number:  **Optional**

-----

**Your transaction may take up to 90 seconds; we appreciate your patience.**

**Note - Pressing 'Submit' multiple times may cause the same transaction to be processed multiple times.**

**Pressing 'Cancel' after pressing 'Submit' will not cancel the transaction.**

After you submit your payment, the **Receipt** window appears providing details on the application opposed (shown on the next page).





## Receipt

Your submission has been received by the USPTO.  
The contents of your submission are listed below.  
You may print a copy of this receipt for your records.

ESTTA Tracking number: ESTTA1907

Filing date: 08/25/2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice is hereby given that the following party opposes registration of the indicated application.

<b>Opposer Name</b>	fhjk		
<b>Opposer Entity</b>	Corporation	<b>Citizenship of Opposer</b>	ma
<b>Opposer Address</b>	45 fgijj khkjl, AL 65677 UNITED STATES		

<b>Correspondence information</b>	tyu fhjk 45 fgijj khkjl, AL 65677 UNITED STATES gghj@aol.com
-----------------------------------	--

### Applicant Information

<b>Application No</b>	73722400	<b>Publication date</b>	04/15/1988
<b>Opposition Filing Date</b>	08/03/2003	<b>Opposition Period Ends</b>	09/02/2003
<b>Applicant</b>	PERMATRON CORPORATION		
<b>Applicant Address</b>	10134 PACIFIC AVENUE FRANKLIN PARK, IL 60131 UNITED STATES		

### Applicant's Goods/Services Affected by Opposition

Class 011. First use: 19880405 In Commerce: 19880405



## Electronic System for Trademark Trials and Appeals

Notice of Opposition.

Navigation: [Add/Modify](#) - [Related](#) - [Correspondence](#) - [GroundsUS](#) - [Pleaded Mark\(s\)](#) - [Pleading](#) - [Service](#)

ESTTA v.3.0

PTO-2120 (Exp. 01/31/2011)  
OMB No. 0651-0040 (Exp. 01/31/2011)

### Certificate of Service

The undersigned hereby certifies that a copy of this paper is being served upon all parties to this proceeding at the address recorded in the following manner on the date this filing is submitted.

<b>Select Service</b>	<input type="checkbox"/> First Class Mail
	<input type="checkbox"/> Personal Delivery
	<input type="checkbox"/> USPS Express Mail Post Office to Addressee
	<input type="checkbox"/> Overnight Courier
	<input type="checkbox"/> Facsimile or email (by agreement only)

Next

Back

Cancel

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03/27/2009 02:34 AM EDT

[Track & Confirm](#)[FAQs](#)

## Track & Confirm

### Search Results

Label/Receipt Number: **7183 5689 8370 5201 6333**

Associated Label/Receipt:

Detailed Results:

- **Delivered, January 29, 2009, 1:13 pm, SANTA MONICA, CA 90403**
- **Notice Left, January 29, 2009, 1:11 pm, SANTA MONICA, CA 90403**
- **Acceptance (APC), January 24, 2009, 8:11 pm, SIERRA MADRE, CA 91024**

[< Back](#)[Return to USPS.com Home >](#)

### Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

### Notification Options

#### Return Receipt (Electronic)

Verify who signed for your item by email.

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## PROOF OF SERVICE

The undersigned hereby certifies that on the date this filing is submitted, a copy of this paper is being concurrently served upon all parties to this proceeding by email (by agreement ) to their attorney Daphne Sheridan Bass at [daphneb@eathlink.net](mailto:daphneb@eathlink.net), with a confirming voice mail message to (310) 829-2805.

/JMM/ 6-Apr-09

John M May